

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

William Davidson, a/k/a :  
Jason Wright :  
Plaintiff, :  
: v. : File No. 2:10 CV 199  
: :  
State of Vermont, : Defendants. :  
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed August 18, 2010. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The motion for leave to proceed in forma pauperis is GRANTED. In addition, Plaintiff has failed to file an amended complaint within the 30 day period. Therefore, this case is DISMISSED with prejudice.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is **DENIED** because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further

proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

Dated at Burlington, in the District of Vermont, this 13th day of September, 2010.

/s/ William K. Sessions III  
William K. Sessions III  
Chief Judge